

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,) CRIM. NO. 04-30032-MAP
)
 vs.)
)
 FRANCIS G. KEOUGH,)
)
 _____ Defendant.)

MOTION FOR EXTENSION OF TIME TO FILE OPPOSITION TO
DEFENDANT FRANCIS G. KEOUGH'S PRE-TRIAL MOTIONS

The United States of America, by and through Michael J. Sullivan, United States Attorney for the District of Massachusetts, and Steven H. Breslow, Assistant United States Attorney, hereby files the instant Motion For Extension Of Time To File Opposition To Defendant Francis G. Keough's Pre-Trial Motions.

1. Following an extensive investigation, the defendant Francis G. Keough ("Keough") has been charged in a second superseding indictment, filed January 12, 2006, with 50 counts of conspiracy, mail fraud, extortion, obstruction of justice, false statements, witness tampering, perjury, criminal contempt, and filing false income tax returns. The indictment also charges Keough's co-defendants Angel T. Guzman and Michael P. Hallahan with some of these offenses. I expect Guzman to plead guilty and intend to pursue plea negotiations with Hallahan, who has not

filed any pre-trial motions.

2. The discovery in this case is voluminous and includes thousands of pages of documents.

3. The prosecutor originally responsible for this case left the United States Attorney's Office in early September, 2006.

4. After being assigned responsibility for this case, I filed a Notice of Appearance on September 26, 2006. However, at that time, in addition to many other pending cases and investigations, I was entirely engaged in the trial of United States v. Peter Davis, CR-04-30033 (MAP), a five-week racketeering trial that ended on October 17, 2006.

5. One day after I filed my notice of appearance, on September 27, 2006, counsel for Keough filed the following broad range of discovery and substantive motions: Motion To Dismiss Counts 34, 35, 37, 39, 41, and 43 (Docket Entry 119); Motion To Dismiss Count 29 (Docket Entry 121); Motion To Dismiss Count 1 (Docket Entry 124); Motion To Sever Counts 27, 28, and 31-45 (Docket Entry 127); Motion To Compel Government To Specify Evidence That The Government Intends To Use At Trial (Docket 129); Motion For Discovery Related To Grand Jury Abuse (Docket Entry 132); Motion To Strike Surplusage (Docket Entry 133); Motion To Sever Co-Defendants (Docket Entry 134); Motion To Dismiss Second Superseding Indictment (Docket Entry 136); Motion

To Sever Counts 46-50 (Docket Entry 137); and Motion for Discovery In Conformity With Discovery Request Letter (Docket Entry 139).

6. By Order dated October 4, 2006, Magistrate Judge Neiman scheduled the government's opposition to these motions to be filed on November 13, 2006, scheduled a status conference to be held before District Judge Ponsor on November 30, 2006, and excluded speedy trial time from October 25, 2006 to November 30, 2006. As of November 30, 2006, zero days will have run on the speedy trial clock. From October 4, 2006 to the present, I have been engaging in plea discussions with counsel for Keough in an attempt to resolve the case.¹

7. The government respectfully requests that the Court extend the date for filing its opposition to Keough's motions until November 30, 2006, when the next status conference is scheduled to be held. I have discussed this request with counsel for Keough, who has agreed to defer to the Court's discretion and will not be filing a response to the instant Motion.

8. I request the extension for the following reasons: (1) until October 17, 2006, I was entirely engaged in the racketeering trial of United States v. Peter Davis; (2) I have

¹ On August 4, 2005, Magistrate Judge Neiman entered an Order of Temporary Detention for Keough following certain violations of his release conditions, and on August 11, 2005, Keough agreed to remain in custody pending trial.

had no prior involvement in the investigation or prosecution of the instant case; (3) the instant case is highly complex, involving 50 charges, dozens of witnesses, and thousands of pages of documents; (4) the instant motions involve complex issues of fact and law that require thorough briefing to aid the Court in an appropriate decision; (5) I have not had an opportunity to familiarize myself with the issues presented by the motions; (6) on November 7-9, 2006, I will be unavailable due to a mandatory prosecution training in Boston; (7) several of the instant motions are discovery motions, suggesting that the case is not yet ready for presentation to the District Court; and (8) from October 4, 2006 to the present, counsel for Keough and I have been engaging in plea discussions in an attempt to resolve the case.

9. To the extent possible, I will file opposition to Keough's motions in advance of the requested deadline.

10. For the foregoing reasons, the government respectfully requests that the Court extend the time for the date for filing its opposition to Keough's motions until November 30, 2006.

Filed this 3rd day of November, 2006.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

/s/ Steven H. Breslow

STEVEN H. BRESLOW
Assistant United States Attorney

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts
November 3, 2006

I, Steven H. Breslow, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing motion by ECF to:

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